

REMARKS

This is a complete response to the outstanding Office Action mailed August 7, 2008. Claims 27, 30, 31 and 33 have been amended and claim 29 has been cancelled. New claim 54, which is a combination of claims 27, 33 and 34, has been added. No new matter has been added. Upon entry of the enclosed claim amendments, claims 27, 28, 30, 31, 33-43, 46 and 54 are pending in the present application.

I. Response to Claim Objections and Rejection -35 USC § 112

Applicant has amended claim 33 to correct informalities as suggested by the Examiner. Applicant respectfully requests reconsideration and withdrawal of claim objections.

Applicant appreciates the Examiner's comprehensive review of the claims. Claim 29 has been cancelled, without prejudice. Applicant respectfully requests reconsideration and withdrawal of the claim rejection.

II. Response to Claim Rejections Based on Anticipation

In the Office Action, claims 27-30, 39, and 41 have been rejected under 35 U.S.C. § 102(b) by U.S. Patent No. 6,533,510 to

Sain.

A. Claim 1

Amended independent claim 27 now reads:

A platform deck or flat rack container, with capture and handling fittings **including a plurality of telescopically adjustable support posts disposed in paired groups at each end of said platform deck or flat rack container at both 40ft and 45ft spans, for conformity with dual handling standards without moving or reconfiguring said paired group of telescopically adjustable support posts.**
(Emphasis Added)

The Applicant respectfully submits that Sain fails to disclose, teach, or suggest all elements of the rejected claim. Sain at Figures 7A and 7B pointed out by the Examiner requires that legs 48A and 46U be moved or adjusted in slides 44S. In contrast, present claims 27 and new claim 54 recites that the support posts disposed in paired groups are disposed "at both 40ft and 45ft spans, for conformity with dual handling standards without moving or reconfiguring said paired group of telescopically adjustable support posts". Moreover, the post 46U in Sain IS NOT a "telescopically adjustable support posts" as recited in claims 27 and 54. Accordingly, the Sain reference does not make obvious the invention, as presently presented in claim 27 and all claims dependent thereon.

New claim 54 is a combination of claims 34, 33 and 27. Claim 34 was deemed allowable by the Examiner and therefore new claim 54 should be allowable.

III. Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the foregoing amendments and comments and for at least the reasons set forth above, Applicant respectfully submits that all objections and rejections have been traversed, rendered moot and/or accommodated, and that presently pending claims 27, 28, 30, 31, 33-43, 46 and 54 are in condition for allowance. Applicant has responded to all of the Examiner's requests. Favorable reconsideration and allowance of the present application and the presently pending claims are hereby courteously requested. The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

In re: Martin Clive-Smith

Filed: May 4, 2005

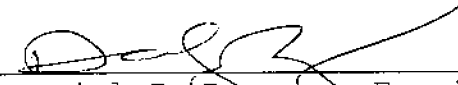
Serial No.: 10/533,987

Page 10

Respectfully submitted,

Martin Clive-Smith

By


Daniel J. Bourque, Esquire
Registration No. 35,457
Attorney for Applicant(s)

BOURQUE & ASSOCIATES, P.A.
835 Hanover Street, Suite 301
Manchester, New Hampshire 03104

Telephone: (603) 623-5111

Facsimile: (603) 624-1432

Date: 12-5-06